

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Austin Pannell, 70522-510,

Petitioner,

v.

Eric Rardin,

Respondent.

Case No. 25-cv-10330

Honorable Robert J. White

**ORDER DISMISSING PETITION FOR
WRIT OF HABEAS CORPUS WITHOUT PREJUDICE**

Petitioner Austin Pannell is currently incarcerated in Milan, Michigan. He filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1.) He did not pay the filing fee, nor did he apply to proceed *in forma pauperis* when he filed the case. *See* 28 U.S.C. § 1914(a); 28 U.S.C. § 1915, Rule 3 of the Rules Governing § 2254 Cases. On February 20, 2025, the Court issued an order directing Pannell to pay the filing fee or file an application to proceed *in forma pauperis* by March 13, 2025. (ECF No. 3.) The order cautioned that failure to correct the deficiency could result in dismissal of this case.

The time for submitting the filing fee or moving to proceed *in forma pauperis* has passed. Pannell has not corrected the deficiency. The Court,

therefore, dismisses the habeas petition without prejudice. The Court makes no determination as to its merits. This case is closed. Should Pannell wish to seek federal habeas relief, he must file a new habeas case with payment of the filing fee or an *in forma pauperis* application. This case will not be reopened.

Accordingly, IT IS ORDERED that the petition for a writ of habeas corpus (ECF No. 1) is DISMISSED WITHOUT PREJUDICE.

A certificate of appealability is not needed to appeal the denial of a habeas petition filed under § 2241, *Witham v. United States*, 355 F.3d 501, 504 (6th Cir. 2004).

Lastly, the Court concludes that an appeal of this decision cannot be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

Dated: May 1, 2025

s/Robert J. White
Robert J. White
United States District Judge